

## Inquiry into the Animal Care and Protection Amendment Bill 2022

**Submission No:** 1420  
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**Submitter Comments:**

1<sup>st</sup> of June 2022

April Middlebrough

State development and Regional Industries Committee

Dear Parliamentary Committee,

**Submission on proposed amendments to the *Animal Care and Protection Act 2001***

Thank you for the opportunity to make a submission on the proposed amendments.

My name is April Middlebrough, I have a 3-year-old German Shepherd (Rocky) and we do our training with a group of dog owners and trainers. Myself and Rocky work on general behaviour and obedience while we work our way through getting ready to compete in dog sports and get our obedience title. Since adopting Rocky in 2019, we have attended dog training schools as students, had dog behaviourists help with his reactivity, and recently joined a group of dog training owners and trainers who support and help each other in their journey of life with their dog. Throughout this time, I have been exposed to many different styles of training, and have seen pros and cons to many different methods and training tools which has helped both myself and Rocky to become closer, happier, and safer.

I am strongly against the proposed amendments to the *Animal Care and Protection Act 2001* for reasons detailed below.

The following points are my reasons why I am against the proposed amendment.

**Point A) The Queensland government has not followed its own best practice guide for the amendment of legislation. As a result, key stakeholders and the wider community that use restraint devices have not been afforded the opportunity to be consulted on the proposed amendments to the act.**

*The Queensland Government Guide to Better Regulation May 2019* states that:

The COAG Best Practice Principles For Regulation Making include:

- a) Consulting effectively with affected stakeholders at all stages of the regulatory cycle
- b) Ensuring that government action is effective and proportional to the issue being addressed
- c) Considering a range of feasible policy options including self-regulatory, co-regulatory and nonregulatory approach
- d) Adopting the option that generates the greatest net benefit for the community

**Evidence that the government has not followed it's own best practice guidelines:**

I refer to the "REVIEW OF THE ANIMAL CARE AND PROTECTION ACT 2001 CONSULTATION OUTCOMES REPORT", prepared by the Department of Agriculture and Fisheries and published in October 2021.

I refer to page 37 of the report, section titled "Relevant E-Petitions". It is acknowledged that "*there were six animal welfare related e-petitions that were tabled in the Legislative Assembly during the consultation period. Issues raised in these e-petitions (listed below) are also being considered as part of the ACPA review process*".

Of these six petitions, the relevant subject matter of three of these petitions was also included as part of the initial discussion paper; as such, stakeholders and the community were provided the opportunity to give feedback on these matters. I have included the 3 relevant petitions below:

- Make suitable shelter mandatory for all farmed animals (Petition no. 3499-21)
- Tethering of dogs must be prohibited (Petition no. 3501-21)
- Continue the use of all methods, including dogs, to control feral pigs (Petition no. 3515-21)

There remains three relevant e-petitions, for which there was no correlating subject matter in the initial discussion paper:

- Ban the use of shock collars on dogs (Petition no. 3526-21)
- Illegal to import - Prohibit the use of prong collars in Queensland (Petition no. 3530- 21)
- Prohibit the use of choke collars in Queensland (Petition no. 3531-21)

These three petitions were made to the Hon. Mark Furner, with closing dates in May 2021 and a response due date in June 2021. I wish to note that, since the closing of these petitions, there has been no opportunity provided to relevant stakeholders or the community to be surveyed on these matters. All three petitions listed above closed on 23<sup>rd</sup> May 2021. The closing date for feedback on the review of the *Animal Protection and Care Act (2001)*, as detailed in the Outcomes Report, was 21<sup>st</sup> May 2021. All 6 of these petitions were also only tabled to parliament on the 25<sup>th</sup> of May 2021.

With reference to the "*Animal Care and Protection Amendment Bill 2022 Explanatory Notes*", page 33, section titled "*Consultation*". The use of prong collars or any other restraint-based tools is in fact missing from the key consultation outcomes of the discussion paper.

It is of concern to me that the following has been stated in the bill (I refer to page 18), given adequate community consultation has not been completed:

*“New section 37A allows for the possession of additional types of collars or devices to be prescribed. The amendment is required because continuous developments in collars and devices for animals means that some existing and new collars and devices become unacceptable to the community”*

**Point B) Due to lack of key stakeholder and community consultation, this means the impacts on the community have not been adequately assessed.**

The “Queensland Government Guide to Better Regulation May 2019” states that *“The depth of analysis and consultation undertaken for a proposal should be proportional to the complexity and significance of the problem and the size of the potential impacts”*.

To quote from page 14 of the bill: *“New section 37A prohibits the possession of a prong collar or another restraint device prescribed by regulation, unless the person has a reasonable excuse”*

The proposed banning of restraint-based training tools presents a number of adverse impacts on the community, which have not been considered due to insufficient community consultation (as evidenced above). To quote from The Queensland Government Guide to Better Regulation May 2019, these include:

Business impacts:

An animal trainer’s primary focus is to assist in improving the health and well-being of the animals that they work alongside. Just like humans, every animal behaves differently due to many factors including their environment and past experiences. Additionally, just like how not every person learns the same way (i.e. classroom vs practical), not every animal will learn in the same way. By banning specific training items with a lack of understanding of how they work or the context in which they may be necessary, it damages a trainer’s ability to effectively conduct the interventions they are hired for which damages both their business reputation, as well as damaging animals/owners’ relationships with each other while problem behaviours persist.

### Competition impacts:

Many people enjoy working with their dogs and animals for fitness and mental stimulation through engagement in sports such as agility course, scent tracking, and obedience/skills exhibits. These are complex routines that bring significant improvement into the overall quality of life of all involved, requiring significant time and energy at the best of times. Through limitation of training aids on unfounded reasoning, this process becomes harder, lengthier, and is more likely to be stopped leading to more sedentary lifestyles resulting in a loss of physical and mental health for both animal and person.

### Social and environmental impacts:

When limiting training tools without due consideration or unbiased evidence, many dogs that experience unsafe behaviours (i.e. reactivity to other people/dogs) aren't able to be effectively trained, limiting their ability to be exercised and socialised which further compounds these problems and leads to poorer health outcomes for both owner and pet. In these instances, animals are often not walked and socialised at all, or else it is required that they're taken very early in the morning or at night placing stress and strain on all involved, which can potentially be unsafe if walking as a single person or even not possible due to work/family commitments.

### **Point c) Conclusions drawn regarding restraint-based tools, specifically the prong collar, have been made based on unsubstantiated research and without consultation of key stakeholders.**

I refer to page 25 of the bill, which states:

*“Imposing restrictions on the use of prong collars and other devices is justified as they are considered to be inappropriate as a training aid because they cause pain and fear in dogs which is used as a punishment. Research has shown that using aversive training methods including the use of prong collars can cause pain and distress and can compromise the dog’s welfare”*

I would request a more comprehensive review of tools be considered prior to drawing such conclusions, as the above statement demonstrates a lack of understanding of behavioural science and the means in which training tools are most commonly used as a means of Negative Reinforcement (guiding the dog towards the correct behaviour), not Punishment. Adequate consultation with key stakeholders, including but not limited to:

- Members of the Queensland Government currently utilising these training tools, including Police and Military units
- Certified Animal Training Professionals, working to improve standards of pet ownership and care, community safety and education around responsible pet training and ownership
- Animal Welfare Organisations

- Members of the public who own pets or have pet dogs living in their community

Would generate a more comprehensive understanding of the use of training tools in behavioural modification and the betterment of animal welfare.

I refer to page 3 of the bill, which states:

*“Prohibiting inhumane practices*

*The Bill amends the ACPA and introduces new offences which will prohibit the inhumane practice of:*

- *possessing or using a prong collar, which is designed to bruise or pierce an animal’s skin, or another prescribed restraint on an animal”*

The above statement is factually incorrect – the tool is not **designed** to bruise or pierce an animal’s skin. I refer further to page 25 of the bill, which states:

*“If used incorrectly, prong collars can also cause physical injuries, such as bruising, scratching, and punctures to the skin of the dog. Over time, this can lead to scar tissue developing on the dog. In extreme but rare cases, prong collars have been associated with spinal cord injuries and other severe injuries.”*

This refers specifically to the **incorrect** use of the prong collar. It is reasonable to state that incorrect use of **any** tool (for example a leash, flat collar or harness) has the potential to cause injury. It is also reasonable to state that **correct** use of the prong collar does not cause injury to the dog.

Additionally it is of great concern to myself that, as per the wording of the bill above, the use of **potentially any and all restraint** based tools is considered to be inhumane. I am especially concerned by this wording given key stakeholders and members of the community have not been given room to provide feedback on this.

My understanding is that an individual can currently be convicted of animal cruelty for the misuse of any training tool. I would request that current and historical data on such convictions be cited and included in the consideration of amendments to regulation, to ensure that certain training tools are not being vilified without cause.

When my husband and I first adopted our dog in 2019, I believe we were in over our heads with getting a German Shepherd as our first dog. We followed all of the steps recommended to us by the RSPCA when we adopted him including immediately enrolling in a puppy school and by ensuring he was exercised and mentally stimulated as required of his breed. Despite these steps, there were problem behaviours including reactivity to other dogs which became worse as he got older and bigger. We involved multiple trainers one on one, as well as another dog training school that put a head halti on Rocky without any pre-conditioning for it, simply saying ‘Oh he’ll get used to it, just correct or pull the leash up if he tries to rub it off

his nose.' Now at that time, we didn't know any better and trusted the trainer. We continued with this dog behaviourist as we were seeing some improvement with Rocky in some areas, however the fundamental issues of his reactivity remained and his engagement with me became less and less.

Finally, after significant time spent researching different trainers specialising in German Shepherds, we found a highly skilled trainer who recommended the use of a prong collar. Of particular note, the trainer spent the time listening to the tools we had already been told to use, listened to the issues we had and the progress we had/had not made, and finally spent a significant amount of time educating us on how the prong collar worked and why they felt it was right in our case. There was a significant amount of time us learning how to incorporate the prong collar into training. Over time using the prong collar there was so much more engagement from Rocky as he was receiving clear communication unlike the flat collar, slip collar, harness, head halti, and other training tools as we hadn't been properly educated about those previous tools. With this tool we were able to get out and about more with him and start engaging with our surroundings we otherwise wouldn't have in the past because he would get so frustrated.

I have seen many trainers use the prong since in helping rehabilitate many dogs that were on the path for euthanasia, giving the dogs and their new owners many years of happiness, they otherwise wouldn't have had. Every dog learns differently, just like humans. No tool is perfect, but no two situations are the same and to ensure the best outcomes for all involved the most important thing is education and understanding the how and why of restraint tools.

I fully support the desire to improve animal welfare. I fully support the government taking steps to ensure that animals are not abused or taken advantage of. And I fully support open discussions to ensure that the right things are being done to ensure that what we do tomorrow is better than what we did yesterday. But, I do not believe that acting in a way that goes against legislative practice is correct. I do not believe that banning tools without ensuring there is non-biased discussion using all available facts is correct. And I do not believe that the amendments to the Animal Care and Protection Act 2001 as they currently stand achieve the reforms that I truly hope our elected official's intent. I have to believe that those in power, both in writing these amendments and those reviewing them, want the correct process to be followed and want the changes to lead to better practices, so I urge you to do the right thing and not set a precedent of rash, ill-informed and ill-executed changes.

Based on the above, I would request that amendments to the use/ availability/ legality of tools not be considered as part of the proposed amendments to the Act, until such time as best practice process is followed and the community is consulted on the proposed changes.

Yours sincerely,

April Middlebrough